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3 Plaintiff, proceeding *pro se*

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22 Attorneys for Defendants

23 Walmart Inc., Wal-Mart Associates, Inc., and Wal-Mart.com USA, LLC

16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 TRI HUYNH,

19 Plaintiff,

20 v.

21 WAL-MART STORES, INC., a Delaware
22 Corporation; WAL-MART ASSOCIATES,
23 INC., a Delaware Corporation; WAL-
MART.COM, INC., a Delaware Corporation;
and DOES 1 through 50, inclusive.

24 Defendants.

25 Case No.: 3:18-cv-01631-VC
[Assigned for all purposes to the Hon. Judge
Vince Chhabria, Courtroom 04]

26 **STIPULATION TO DISMISS
PLAINTIFF'S THIRD, FOURTH, FIFTH,
SIXTH, AND SEVENTH CLAIMS FOR
RELIEF WITH PREJUDICE;
[PROPOSED] ORDER**

27 Complaint Filed: March 15, 2018
28 Trial Date: February 10, 2020

1 **TO THE HONORABLE COURT AND ALL PARTIES HEREIN AND THEIR**
2 **ATTORNEYS OF RECORD:**

3 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Tri Huynh
4 ("Plaintiff") and Defendants Walmart Inc., Wal-Mart Associates, Inc., Wal-Mart.com USA, LLC
5 ("Defendants") (hereinafter collectively "the Parties"), through their respective counsel of record,
6 as follows:

7 WHEREAS, Plaintiff filed the instant action on March 15, 2018 and filed Plaintiff's First
8 Amended Complaint in this Court on April 2, 2018, listing nine causes of actions, including
9 claims for remedies for Disability Discrimination in Violation of the California Fair Employment
10 and Housing Act (Cal. Gov. Code §12940(a)) Dkt. 18, at ¶¶ 141–151, for Failure to Accommodate
11 in Violation of the California Fair Employment and Housing Act (Cal. Gov. Code §12940(m))
12 Dkt. 18, at ¶¶ 152–161, for Failure to Engage in a Good Faith Interactive Process in Violation of
13 the California Fair Employment and Housing Act. (Cal. Gov. Code §12940(n)) Dkt. 18, at ¶¶ 162–
14 171, for Retaliation in Violation of the California Fair Employment and Housing Act (Cal. Gov.
15 Code §12940(h)) Dkt. 18 at 172-181, and for Failure to Prevent Discrimination and Retaliation in
16 Violation of the California Fair Employment and Housing Act (Cal. Gov. Code §12940(k)) Dkt.
17 18 at 181-188.

18 WHEREAS, Plaintiff informed Defendants on June 17, 2019, that Plaintiff no longer
19 intends to pursue his: a) Third Claim of Relief under Disability Discrimination in Violation of
20 California Fair Employment and Housing Act (Cal. Gov. Code §12940(a)), b) Fourth Claim of
21 Relief for Failure to Accommodate in Violation of California Fair Employment and Housing Act
22 (Cal. Gov. Code §12940(m)), c) Fifth Claim of Relief for Failure to Engage in a Good Faith
23 Interactive Process in Violation of the California Fair Employment and Housing Act. (Cal. Gov.
24 Code §12940(n)), d) Sixth Claim of Relief for Retaliation in Violation of California Fair
25 Employment and Housing Act (Cal. Gov. Code §12940(h)), and e) Seventh Claim of Relief for
26 Failure to Prevent Discrimination and Retaliation in Violation of California Fair Employment and
27 Housing Act (Cal. Gov. Code §12940(k)).

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
2 Parties to dismiss Plaintiff's Third, Fourth, Fifth, Sixth, and Seventh Causes of Action in the First
3 Amended Complaint with prejudice.

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6 **IT IS SO STIPULATED**, through Counsel of Record.

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8 DATED: June 25, 2019

Tri Huynh

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10 By: /s/ Tri M. Huynh
Tri Huynh

11 Plaintiff, proceeding *pro se*

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DATED: June 25, 2019

Gibson, Dunn & Crutcher LLP

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15 By: /s/ Rachel S. Brass
Rachel S. Brass

16 Attorneys for Defendants
17 Walmart Inc., Wal-Mart Associates, Inc., and Wal-
18 Mart.com USA, LLC

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ECF ATTESTATION

I, Tri M. Huynh, am the ECF User whose ID and password are being used to file this
STIPULATION TO DISMISS PLAINTIFF'S THIRD, FOURTH, FIFTH, SIXTH, AND
SEVENTH CLAIMS FOR RELIEF. In compliance with N.D. Ca. L.R. 5-1(i)(3), I hereby attest
that the concurrence in the filing of the document has been obtained from the other signatory.

By: /s/ Tri M. Huynh
Tri M. Huynh

[PROPOSED] ORDER

2 The Court, having considered the Parties' Joint Stipulation to Dismiss Plaintiff's Third,
3 Fourth, Fifth, Sixth, and Seventh Claims for Relief, and for good cause appearing thereon, hereby
4 orders the following:

1. Plaintiff's claim for relief for remedies under Disability Discrimination in Violation
2. of California Fair Employment and Housing Act (Cal. Gov. Code §12940(a)) is
3. hereby dismissed with prejudice.
 4. Plaintiff's claim for relief for remedies under Failure to Accommodate in Violation
5. of California Fair Employment and Housing Act (Cal. Gov. Code §12940(m)) is
6. hereby dismissed with prejudice.
 7. Plaintiff's claim for relief for remedies under Failure to Engage in a Good Faith
8. Interactive Process in Violation of the California Fair Employment and Housing Act.
9. (Cal. Gov. Code §12940(n)) is hereby dismissed with prejudice.
 10. Plaintiff's claim for relief for remedies under Retaliation in Violation of California
11. Fair Employment and Housing Act (Cal. Gov. Code §12940(h)) is hereby dismissed
12. with prejudice.
 13. Plaintiff's claim for relief for remedies under Failure to Prevent Discrimination and
14. Retaliation in Violation of California Fair Employment and Housing Act (Cal. Gov.
15. Code §12940(k)) is hereby dismissed with prejudice.

IT IS SO ORDERED.

23 DATED:

**HON. VINCE CHHABRIA
JUDGE OF THE DISTRICT COURT**